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In re Application of
KACEV et al
Application No.: 10/528,819
PCT No.: PCT/AU2003/000484
Int. Filing Date: 23 April 2003
Priority Date: 25 September 2002
Atty. Docket No.: 58157-014500
For: TURBOCHARGED
COMPRESSION IGNITION
ENGINE

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DECISION

This is a decision on applicants' fax transmission filed in the U.S. Patent and Trademark Office (USPTO) on 06 April 2005.

BACKGROUND

On 23 April 2003, applicants filed international application No. PCT/AU2003/000484 which claimed a priority date of 25 September 2002, and which designated the United States.

On 21 March 2005, prior to the expiration of 30 months from the priority date, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, an authorization to charge the basic national fee to counsel's deposit account and a preliminary amendment both of which were signed by Charles Berman.

On 06 April 2005, applicants filed the present submission, which was titled "Incorrect Charge to USPTO Deposit Account no. 50-2638." In view of the title the submission has been treated as a request for refund.

DISCUSSION

In the present submission applicants' counsel urges that an improper charge has been made to their deposit account, and indicates that the charge in question relates to the present

application number and to counsel's docket no. 70292-011000. Counsel sets forth that they have no record of the present application number, and that the docket number associated with the charge belongs to another application.

A review of the application file reveals that the originally filed transmittal letter identified international application number PCT/AU2003/000484 and attorney docket number 58157-014500. However, a review the second page of the transmittal letter reveals that, contrary to the indication on the first page, it identifies attorney docket number 70292-011000. As such, when PCT Finance Branch charged the fees to counsel's deposit account, the docket number entered into the USPTO system for the charges was the number on the fee authorization sheet, i.e., the '1000 number. Therefore, while the indication of the attorney docket number associated with the charge was incorrect, the charges themselves were proper and necessary to avoid abandonment of the present international application.

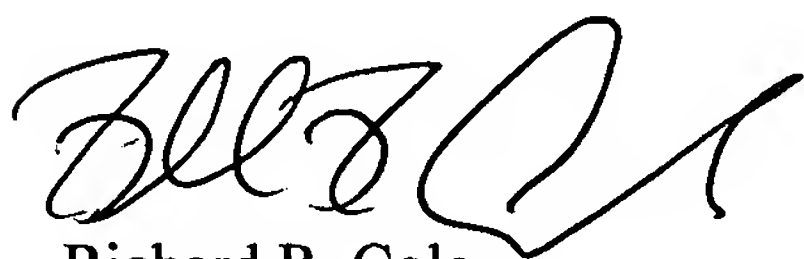
Counsel is advised to correct their records to associate the present application number, 10/528,819, with international application number PCT/AU2003/000484 and attorney docket number 58157-014500.

CONCLUSION

For the reasons above, the request is **DISMISSED** without prejudice.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing.



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Encl: Copy of originally filed Transmittal Letter with page 2 as corrected by this Office.